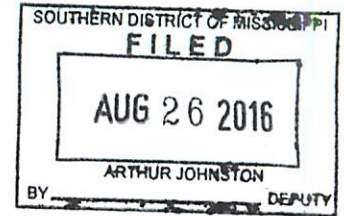


IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI



VALENTINE O. AKPA

PLAINTIFF

VS.

CIVIL ACTION NO. 3:16cv 672DPJ
FKB

CANONS REGULAR OF PREMONTRE
(NORBERTINE FATHERS); JAMES THOMAS BARANIAK;
THE ROMAN CATHOLIC CHURCH;
UNITED STATES CITIZENSHIP AND IMMIGRATION
SERVICES AND JOHN DOES 1-V

DEFENDANTS

COMPLAINT FOR INJUNCTIVE RELIEF

The Plaintiff, VALENTINE O. AKPA, brings this action, by and through counsel, seeking an injunction preventing the Canons Regular of Premontre (Norbertines), a division of the Catholic Church, and the Roman Catholic Church, and the United States Citizenship and Immigration Services, from taking any action to have Plaintiff Valentine O. Akpa deported or to have his visa taken or his visa or immigration status changed in any manner that would result in his mandated return to Nigeria or in his removal from the United States prior to the scheduled expiration of his Visa on September 1, 2018 or prior to completion of the investigation being conducted by the Equal Opportunity Employment Commission. Plaintiff brings this action pursuant to federal subject matter jurisdiction pursuant to title VII of the Civil Rights Act of 1964 as amended, and 42 U.S.C. §1981 and §2000; 18 U.S.C. §1351; and 18 U.S.C. §1584. Plaintiff additionally brings this action against James Thomas Baraniak for battery. Plaintiff would show as follows:

PARTIES

1. Plaintiff VALENTINE O. AKPA is a citizen of Nigeria, and is in the United States pursuant to an R-1 visa. He resides in Jackson, Mississippi at 136 East Woodcrest Drive, Jackson, Mississippi 39212.

2. The Canons Regular of Premontre (Norbertine Fathers) is a nonprofit religious organization which is an entity of the Roman Catholic Church within the Diocese of Jackson, Mississippi. It may be served by serving its Prior, Rt. Rev. E. Thomas DeWane at 7100 Midway Road, Raymond, Mississippi 39154 or the Abbey at 1016 North Broadway, De Pere Wisconsin, 54115.

3. The Roman Catholic Church in the United States is a tax-exempt, non-profit religious organization. It may be served by serving the United States Conference of Catholic Bishops at 3211 Fourth St. N.E Washington, D.C. 20017.

4. James Thomas Baraniak is a member of the Norbertine Fathers and Prior of De Pere Abbey. HE may be served with process of this court at 1016 North Broadway, De Pere Wisconsin, 54115.

5. The Defendant United States Citizenship and Immigration Service is a Department of the United States Government operating under the Office of Homeland Security. It may be served with process by serving the United States Attorney for the Southern District of Mississippi with a copy to the United States Attorney General.

JURISDICTION AND VENUE

6. This Court has federal question jurisdiction pursuant to title VII of the Civil Rights Act of 1964 as amended; 42 U.S.C. §1981 and §2000; 18 U.S.C. §1351; and 18 U.S.C. §1584.

7. This Court has personal jurisdiction over the Defendants and venue is proper in this court.

FACTS

8. Plaintiff was induced to come to this country from Nigeria by the intentionally fraudulent acts of the Norbertine Fathers and representatives of the Roman Catholic Church through use of materially false, fraudulent pretenses, representations and promises regarding religious employment in violation of 18 U.S.C. §1351. See Plaintiff's affidavit attached as **EXHIBIT A**.

9. Plaintiff obtained an R-1 visa to come to this country based on the representations made to the United States Citizenship and Immigration Services by the Canons Regular of Premontre (Norbertine Fathers Priory of St. Moses the Black), a division of the Catholic Church to the United States Citizenship and Immigration Services.

10. The Defendants represented to the Plaintiff and to the United States Citizenship and Immigration Services that Plaintiff would be a religious worker, employed by the Canons Regular of Premontre (Norbertine Fathers Priory of St. Moses the Black), at the ministry at Raymond, Mississippi. The Defendants represented to Plaintiff that he would not have to supplement his income with outside work. The Defendants further represented to Plaintiff that he would have medical care provided.

11. The Plaintiff Valentine O. Akpa came to the United States pursuant to the R-1 visa, and began working for the Norbertines. He was sent to work at Catholic Charities in Jackson. He was not provided with any salary or stipend or allowance. Plaintiff was provided with housing and transportation. He had to purchase his own food and gas then seek

reimbursement afterward. The Plaintiff was not provided any clothing or clothing allowance or funds for any personal necessities.

12. The Defendants have stated that they do not pay religious workers and have not done so for 800 years. However, that is contrary to the statements made by the Defendants to the U.S. Consulate General Nonimmigrant Visa Section of the United States Embassy in Nigeria and to the United States Citizenship and Immigration Services in the past. Further, plaintiff has not been vowed and has not made vows of poverty or of any kind with the Norbertines.

13. The Plaintiff Valentine O. Akpa was forced to sign up as a volunteer with Catholic Charities for Monday through Thursday. He worked those days and additionally worked Friday through Sunday as he was also required to do. Any failure to comply with the requirements or wishes of the Defendants would put Plaintiff in danger of being homeless and destitute and subject to deportation.

14. The Defendants asked Plaintiff for his passport but Plaintiff declined to give it to them. Plaintiff had been promised medical care but plaintiff and the other people of African descent were able to access medical care as needed. Plaintiff also questioned why he and the other people of African descent could not be paid since he was aware that some of the whites were being paid. Shortly thereafter, Plaintiff Valentine O. Akpa was informed by Rev. Thomas DeWane, Prior of St. Moses the Black, that the Abbott and Council voted to discontinue support of his R-1 status and that he would have to leave.

15. The Plaintiff later learned that Nigerians were said by the Abbot and Council to “taint” the Norbertines and Nigerians would no longer be invited to work with the Canons Regular of Premontre (Norbertine Fathers Priory of St. Moses the Black).

16. On July 7, 2016, Plaintiff filed a complaint with the Equal Employment Opportunity Commission (EEOC). (A copy is attached to plaintiff's affidavit as Exhibit A-3.)

17. On August 22, Plaintiff engaged in unsuccessful mediation with the Defendants at the E.E.O.C. offices. During that meeting, James Thomas Baraniak, a representative of the defendant, committed an act of battery against the Plaintiff.

18. Plaintiff's R-1 visa is granted until September 1, 2018. However, no longer being employed as a religious worker places Plaintiff in imminent danger of deportation. The Defendants have threatened to take quick action to have Plaintiff deported. It is necessary for the E.E.O.C. to complete its investigation in order to make a determination as to whether this was a circumstance of involuntary servitude. Plaintiff's presence is required in this country to assist with this investigation.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that the Court cause service to issue in the cause upon the Defendants and that this matter be set for hearing, after which an injunction shall issue to the Defendants to prevent any action that would remove the Plaintiff from this country prior to the expiration date of his visa or prior to the conclusion of the investigation into the alleged criminal conduct of the Defendants. Plaintiff further prays that Defendants be enjoined from any other retaliatory action and for such other relief as is deemed just and proper.

RESPECTFULLY SUBMITTED, this the 26 day of August, 2016.

VALENTINE O. AKBA, PLAINTIFF

By: 
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